

## Regulations Governing the Complaints Procedure

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## 1. Definitions

For the purpose of these Regulations the following words and expressions have the following meanings, unless the context requires otherwise:

**Arbiter** a Member or Fellow of the CIPR appointed by the Board to consider and adjudicate questions arising in respect of the conduct of the Complaints Procedure, including the interpretation or application of these and other relevant Regulations. The Arbiter is not a member of the Professional Standards Panel or the Appeals Panel.

**Board** the CIPR Board of Directors

**Chairman** the Chairman of the Professional Standards Panel or the Appeals Panel, as the case may be, or a member of a Panel nominated by the Arbiter to act as Chairman in accordance with Regulation 8 (Professional Standards Panel and Appeals Panel: membership), paragraph f).

**Complaint** facts or matters coming to the attention of the Chief Executive indicating that a Member may have become liable to disciplinary action in accordance with Regulation 15 (Disciplinary Powers) of the Institute's Charter Regulations.

**Complainant** a person who brings a Complaint.

**Institute/CIPR** the Chartered Institute of Public Relations.

**Lay Member** an appropriately qualified or experienced person from outside the public relations profession, appointed by the Board to take part in hearings and other activities of the Professional Standards Panel and the Appeals Panel. There are also Lay Members with other governance functions in the Institute.

**Member** a Member, Fellow or Lay Member with a governance function of the Institute at the time the matter complained about occurred.

**Panel** the Professional Standards Panel or the Appeals Panel, as the case may be.

**Professional Practice and Ethics Consultant** a person appointed by the Board to give impartial advice on the CIPR Complaints Procedure to people who are, or who may become, parties to a Complaint, and to the CIPR. The Professional Practice and Ethics Consultant is not a member of the Professional Standards Panel or the Appeals Panel.

**Respondent** a Member against whom a Complaint has been lodged.

Note: It is a condition of Membership that Members remain subject to disciplinary proceedings in relation to their professional activities during the period of their membership, even though they may subsequently have ceased to be Members.

Other words and expressions defined in the Charter and Charter Regulations of the Institute shall have the meanings there assigned to them.

The singular includes the plural and vice versa.

## 2. The Complaints Procedure: general management of business

- a) The Complaints Procedure, including Conciliation, proceedings of the Professional Standards Panel and Appeals Panel and the actions of the Professional Practice and Ethics Consultant, is governed by the rules of natural justice. In particular, the procedure will be managed at all times to ensure that the Respondent has a fair and proper opportunity to answer the

Complaint.

- b) The Complaints Procedure is not only a means of achieving justice where a Complaint is made. It may also be a way for the Complainant, Respondent or Institute to learn lessons for future practice.
- c) Unless a Panel decides otherwise, all costs and expenses incurred by the Institute in connection with the Complaints Procedure and these Regulations will be borne by the Institute.
- d) Failure to comply with these Regulations in any case will not render the procedure void, but the Chairman of a Panel may act as necessary to redress the failure if he or she considers that it may have disadvantaged the Respondent or the Complainant.
- e) The Complaints Procedure is not invalidated if a relevant communication is accidentally not sent, or is not received.
- f)
  - (i) Subject to sub-paragraph f) (ii) of this Regulation, any disagreement about the conduct of the Complaints Procedure, including the interpretation or application of these Regulations, may be referred to the Arbiter at any time by the Complainant, the Respondent, the Chief Executive of the CIPR, the Chairman of the Professional Standards Panel, the Chairman of the Appeals Panel or the Professional Practice and Ethics Consultant.
  - i) Any reference to the Arbiter concerning a hearing by the Professional Standards Panel or the Appeals Panel must be made within five days of the end of the hearing.
  - ii) A decision by the Arbiter concerning the conduct of the Professional Standards Panel may be cited as a ground for an appeal by the Respondent to the Appeals Panel [*Regulation 19. (Appeal against a decision of the Professional Standards Panel) refers*]. In all other instances, the Arbiter's decision is final and binding.
  - iii) Decisions by the Arbiter shall be reported in writing to the Complainant, the Respondent and (as the case may be) the Chairman of the Professional Standards Panel and/or the Chairman of the Appeals Panel. If reference has been made to the Arbiter after the end of a hearing by the Appeals Panel, the Arbiter shall report his decision to the Board, and the Board shall accept his decision.
- g) The Institute will retain all records of the Complaints Procedure (excluding records of Conciliation) for five years from the date of a hearing by the Professional Standards Panel or the Appeals Panel, as the case may be, or until the Board decides otherwise.
- h) Any documents served in connection with the Complaints Procedure shall be deemed to have been validly served on the Respondent and/or the Complainant:
  - i) if sent by email to an address that is known to have been active and accurate recently; and
  - ii) if sent by recorded delivery post to the last address known by the Institute or an address that they specified in writing (including the address of their legal adviser); or
  - iii) if handed to them in person; or
  - iv) if served in any way which may be directed by the Chairman of a Panel.

- i) The Professional Practice and Ethics Consultant may at his discretion offer such advice and help to the Complainant and the Respondent as he considers necessary to ensure that
  - j) a potential Complaint may be resolved by informal negotiation before it is referred to the Professional Standards Panel
- ii) the Complainant's and the Respondent's cases are presented fully and fairly by the Complainant and the Respondent to the Professional Standards Panel and Appeals Panel, as appropriate.

His advice is offered in good faith and is not binding upon the Panels or (except as stated elsewhere in these Regulations) upon the Complainant and the Respondent.

### 3. Confidentiality

- a) Details of a Complaint and of its progress through the Institute's Complaints Procedure must be treated as confidential by the Complainant, the Respondent, the Arbiter, the Professional Practice and Ethics Consultant and all Conciliators, Assessors and members of the Professional Standards Panel and Appeals Panel without time limit, except that:
  - i) the Chairman of a Panel, following consultation with the Chief Executive and the Chair of the Board, may decide at any time that facts (other than details of any Conciliation) may be published if they are of public concern or if they are of concern to the reputation of the CIPR; If either the Chief Executive or the Chair is the subject of the complaint, they should not be consulted;
  - ii) when a breach of the Code of Conduct is found to have occurred, decisions of a Panel will normally be published;
  - iii) information may be passed to third parties, e.g. witnesses, on a strict 'need-to-know' basis and on condition that the third parties are explicitly bound by the requirement of confidentiality.
- b) Any breach, or alleged breach, of confidentiality may itself give rise to a further Complaint.

### 4. Making Complaints

- a) Any person (whether a Member of the Institute or not) may bring a Complaint against a Member. So too may the Chief Executive, on behalf of the Institute, if it appears to be in the public interest or if the person raising the Complaint cannot reasonably be expected to pursue it on his or her own account. Members of the Institute have a duty to bring a Complaint against a Member, where it is in the public interest to do so.
- b) In the case of Corporate Affiliate Members, a Complaint may be made only in respect of activities by that Member that are relevant to the purposes of the Institute. In the event of a query or disagreement about the applicability of a Complaint to a Corporate Affiliate Member, the Arbiter shall decide whether the Complaint may proceed.
- c) Complaints may relate to others, who may or may not be Members (e.g. subordinates or subcontractors) for whose work the Member was directly responsible at the time of events that are the subject of the Complaint.

- d) Complaints should be submitted to the Professional Practice and Ethics Consultant.
- e) A Complaint will not normally be considered if it is notified to the Institute more than seven years after the incident(s) took place that are the subject of it. In the event of a query or disagreement about this deadline, the Arbiter shall decide whether the Complaint may proceed.

## **5. The Institute's initial response to Complaints**

- a) The Institute will maintain a register of all Complaints received and the decisions on them by a Panel.
- b) The Professional Practice and Ethics Consultant will
  - i) check that the Complaint concerns a Member of the Institute at the time of the events complained about;
  - ii) identify the clause(s) in the CIPR Code of Conduct to which the Complaint refers;
  - iii) tell the Complainant whether the Board intends to take summary action, in which case the Complaints Procedure will not apply.
- c) If the Board does not intend to take summary action, the Professional Practice and Ethics Consultant will
  - i) clarify any matters of uncertainty with the Complainant;
  - ii) establish with the Complainant a one month timeframe, within which prima facie evidence to support any complaint must be provided to the satisfaction of the Professional Practice and Ethics Consultant, for any complaint to proceed.
  - ii) tell the Complainant about the Complaints Procedure, these Regulations and the Institute's disciplinary powers: specifically, Regulation 3 (Confidentiality);
  - iii) check that the Complainant has the necessary personal support in place while the Complaints Procedure is followed;
  - iv) explain that the Procedure is in place to promote learning for the Complainant, Respondent and Institute;
  - v) explain that the Respondent will be notified of the Complaint in order that he or she may exercise the right of reply.
- d) If the Complainant wishes to proceed, the Professional Practice and Ethics Consultant will
  - i) tell the Respondent about the Complaint, the Complaints Procedure, these Regulations and the Institute's disciplinary powers: specifically, Regulation 3 (Confidentiality);
  - i) check that the Respondent has the necessary personal support in place while the Complaints Procedure is followed;
  - ii) explain that the Procedure is in place to promote learning for the Complainant, Respondent and Institute;
  - ii) attempt to negotiate an informal resolution of the complaint with and between the Respondent and the Complainant, either before or after the exchange of statements set out in paragraph e) of this Regulation;

- e) Before or after any attempt by the Professional Practice and Ethics Consultant to negotiate an informal settlement [*paragraph d) of this Regulation refers*] he may
  - i) obtain a written statement of the Complaint, provided or approved by the Complainant, send it to the Respondent and invite him or her to submit a written response to it;
  - ii) continue to exchange statements between the Complainant and Respondent until either or both of them have no more to add to their statements or he notifies them that the exchange will end after one more submission from each of them.
- f) If the Professional Practice and Ethics Consultant is unable to negotiate a settlement between the Complainant and the Respondent, he will either
  - i) ask the Chairman of the Professional Standards Panel to start the Conciliation process under Regulation 6 (Duty to conciliate) or,
  - ii) if either the Complainant or the Respondent does not agree to that, to initiate a hearing by the Professional Standards Panel, or
  - iii) if the view of the Professional Practice and Ethics Consultant is that the evidence submitted by the respondent clearly demonstrates that the original complaint has no merit, he will ask the Chairman of the Professional Standards Panel to undertake a case review with him once all written evidence has been submitted. This review shall determine whether a case can be dismissed because the complaint is unwarranted, or whether it should proceed to a full PSP hearing where both parties have the opportunity to argue their case.
- g) The Complaint should be referred to the Chairman of the Professional Standards Panel, as in paragraph f) of this Regulation, no later than eight weeks after the Complaint was received, unless both the Complainant and the Respondent agree otherwise.

## **6. Duty to conciliate**

- a) The first step in resolving a Complaint, if the Complainant and the Respondent agree to it, is a process of conciliation, mediation or arbitration ('Conciliation').
- b) Conciliation is an informal process managed at the discretion of the Chairman of the Professional Standards Panel and of any Conciliators whom the Institute appoints.
- c) Conciliation is a confidential process: no records will be kept afterwards, and no details of it will be forwarded to the Professional Standards Panel or Appeals Panel or known to the Chairman of the Professional Standards Panel.
- d) The Conciliators may investigate any facts and circumstances of the Complaint and take whatever legal or other advice they consider necessary. However, unlike at a formal hearing of a Complaint, they are not aiming at a complete understanding of the facts surrounding the Complaint.
- e) If a Complaint is not resolved by Conciliation, it will be considered at a hearing of the Professional Standards Panel.

## 7. Conciliation: management of business

- a) The Chairman of the Professional Standards Panel will, whenever necessary, appoint three members of the Professional Standards Panel to act as a panel of conciliators, one of them as Chairman of the Conciliation panel. The quorum of a Conciliation panel is two, including one lay member.
- a) Members of the Conciliation panel ('the Conciliators') will receive copies of the Complaint and the Respondent's response to it.
- b) The Conciliation process should start and run as quickly as possible, and will end in any event within three months after the Conciliators were appointed.
- c) The Complainant and the Respondent are expected to speak for themselves at Conciliation meetings, but they may be accompanied by any other person they choose, whom the Chairman may allow to address the Conciliators.
- d) The Complainant and the Respondent may state their position and any relevant issues in writing at any time.
- e) The Conciliators do not have to reveal to the Complainant what they have been told by, or have said to, the Respondent; and vice versa.
- f) The Conciliators may adjourn a Conciliation meeting at any stage.
- g) Conciliation will come to an end if:
  - i) the Complainant withdraws the Complaint, or part of it, in writing;
  - ii) the Chairman of the Conciliation panel reports to the Chairman of the Professional Standards Panel – without giving reasons – that Conciliation has not been successful;
  - iii) either the Complainant or the Respondent withdraws from the Conciliation process; or
  - iv) the Complainant and the Respondent have not reached agreement within three months.
- h) Other things being equal, Regulation 8 (Professional Standards Panel and Appeals Panel: membership) paragraphs b) to g) also apply to members of any Conciliation panel.

## 8. Professional Standards Panel and Appeals Panel: membership

- a) The quorum of the Professional Standards Panel is not less than four and of the Appeals Panel not less than three, including at least one Lay Member in both cases.
- b) Hearings by the Professional Standards Panel and the Appeals Panel will generally be conducted by five or more members in each case, including the Chairman and comprising the smallest possible majority of Members and/or Fellows of the Institute (as the case may be) together with a minority of Lay Members.
- c) Unless the Board decides otherwise, once a Panel has started to hear a Complaint, its members remain in membership until the hearing has been completed, even if they were due to retire from the Panel in the meantime.
- d) A Panel member shall play no part in considering a Complaint if he or she
  - i) has had previous dealings with the Respondent or Complainant personally or professionally;

- ii) has prior knowledge of any matters relating to the Complaint;
  - iii) has taken part in any previous consideration of the Complaint or any aspect of the Complaint, including Conciliation; or
  - iv) has been subject to an objection by a Respondent or Complainant which has been upheld by the Chairman of a Panel, as set out in Regulation 16 (Convening the Professional Standards Panel) paragraph b), and Regulation 20 (Convening the Appeals Panel) paragraph c).
- e) The Chairman must be present throughout the hearing of a Complaint. If any other member of a Panel is absent from any part of the hearing, he or she shall take no further part in it. This will not invalidate the hearing, so long as the number of members present throughout the substantive hearing of the Complaint is not reduced below the quorum.
  - f) If the Chairman of a Panel is unable to carry out any particular duty, that duty may be carried out by any other member of that Panel nominated in writing by the Arbiter.
  - g) A Panel may instruct a solicitor and/or counsel to represent it at a hearing if it thinks fit.

#### **9. Professional Standards Panel and Appeals Panel: assessors**

- a) The Chairman of a Panel may appoint one or more Assessors, who may have specialised knowledge or experience that would assist the Panel.
- b) No Assessor shall be appointed who has taken part in Conciliation under Regulation 6 (Duty to conciliate).
- c) The Professional Practice and Ethics Consultant may attend hearings in the status of an Assessor.
- d) Assessors are not members of the Panel and have no vote on decisions.

#### **10. Professional Standards Panel and Appeals Panel: general management of business**

- a) Hearings will be in private unless the Chairman decides otherwise.
- b) The Chairman may decide that more than one Complaint against the same Member, or Complaints against more than one Member, will be handled together.
- c) Unless the Chairman decides that an adjournment is necessary from time to time, the Panel will sit from day to day until it has announced a decision on all aspects of the Complaint.
- d) A record will be taken of the proceedings and a copy will be supplied to the Respondent or the Complainant if he or she
  - i) requests it within three months of the hearing;
  - ii) pays the cost of supplying it.
- e) The Chairman may determine that it is in the public interest to resolve a Complaint urgently. In this case the Chairman, in consultation with one or more members of the Panel is entitled to act on behalf of the Panel in all matters, and will report his or her actions to the Panel as soon as reasonably practicable.

- f) The Chairman may take whatever steps he or she considers necessary at any time to ensure that the case is handled fairly and efficiently. This may include extending or abridging any time limit that has been imposed on the Respondent or the Complainant or that governs the procedures of the Panel.
- g) The standard of proof at all times is the balance of probabilities.
- h) In any instances not explicitly covered by these Regulations, the Chairman may manage the business of the Panel as he or she sees fit: for example, in approving any application to postpone a hearing which has not begun, or in adjourning a hearing from time to time to seek further information or to give the Respondent or Complainant time to consider a response.

#### **11. Professional Standards Panel and Appeals Panel: evidence**

- a) The Panels may admit evidence of any sort, whether or not it would be acceptable in a court of law; although they are expected to take reasonable steps to validate any hearsay evidence with direct evidence.
- b) The Panels will normally only consider information and evidence that have been submitted in advance. However:
  - i) in exceptional circumstances, such as where information and evidence were not previously available, the Chairman may allow new information to be submitted at a hearing;
  - ii) exceptionally and for good reason, the Panels may consider any evidence or information that has not been submitted by a due date, provided that the Respondent is not disadvantaged as a result.
- c) The Panels may take into account any facts or matters which were considered by the Institute on previous occasions in relation to the Respondent.
- d) The Panels do not have access to any information relating to Conciliation under Regulation 6 (Duty to conciliate). Otherwise, they may direct the Respondent and Complainant to provide additional information as necessary; and the Respondent and Complainant must provide it within a specified time.
- e) Correspondence and discussions between the Professional Practice and Ethics Consultant and the Complainant and Respondent are confidential and will not be considered as evidence by the Professional Standards Panel or the Appeals Panel, except for the Complainant's written statement of Complaint and the Respondent's written statement in reply.

#### **12. Professional Standards Panel and Appeals Panel: decisions**

- a) Decisions of the Panels will be notified to the Respondent and the Complainant in writing.
- b) The Professional Standards Panel may determine that
  - i) a Complaint does not disclose a case for disciplinary action, in which case the Complaint will be dropped; or
  - ii) a Complaint does disclose a case for disciplinary action, but no further action will be taken. This decision will be made exceptionally and only if the Panel, taking into

- account all the circumstances of the case, considers that it would be unreasonable or unjust to impose a penalty; or
- iii) a Complaint does disclose a case for disciplinary action, and it intends to proceed as in Regulation 13 (Suspension or termination of Membership) or Regulation 14 (Other penalties) or Regulation 15 (Letters of advice).
- c) The Appeals Panel may determine an appeal from a decision of the Professional Standards Panel as follows:
- i) it may dismiss the appeal; or
- ii) it may allow the appeal and quash the decision appealed against; or
- iii) it may substitute for the decision appealed against any other decision that the Professional Standards Panel could have made.
- d) The final decision in respect of a Complaint will take the form of a report to the Board by the Professional Standards Panel or the Appeal Panel, as the case may be. The report
- i) will record whether the Respondent was present throughout the proceedings and, if not, confirm that the Institute had duly notified the Respondent of his or her rights and obligations as set out in these Regulations;
- ii) if the Respondent has failed to comply with these Regulations or any direction made under these Regulations, may recommend to the Board that one of the measures under Regulation 13 (Suspension or termination of Membership) or Regulation 14 (Other penalties) or Regulation 15 (Letters of advice) should be exercised against the Respondent;
- iv) will state whether the Respondent should pay any costs and, if so, the amount to be paid or the way in which it is to be calculated, and the deadline for payment.
- e) The final decision in respect of a Complaint will come into effect on the date when it is reported to the Board by the Professional Standards Panel or the Appeal Panel, as the case may be. Decisions of the Professional Standards Panel shall not be reported to the Board until the period in which the Respondent may register an appeal has elapsed  
*[Regulation 19. Appeal against a decision of the Professional Standards Panel refers]*
- f) Where the Professional Standards Panel or the Appeals Panel decides that the Respondent has breached the Code of Conduct, the decision will normally be made public. The manner of publication will be determined by the Chief Executive in consultation with the Chairman of the Panel.
- g) A decision of the Professional Standards Panel or the Appeals Panel may also be published if the Panel decides that a Respondent has not breached the Code of Conduct, but the Respondent asks in writing that the decision be published. In this event the decision will be published in the terms set out by the Professional Standards Panel or the Appeals Panel, as appropriate.
- h) If the Respondent breaches an order made under Regulation 13 (Suspension or termination of Membership) or Regulation 14 (Other penalties) or Regulation 15 (Letters of advice) he or she may be subject to a further Complaint.

*Appeals Panel: decisions) paragraph b) iii) refers]*

- a) The Professional Standards Panel or the Appeals Panel may decide to suspend a Member from Membership of the CIPR for up to two years or may terminate his or her Membership.
- b) No refund will be made of Membership fees for the remainder of the membership year after the date of suspension or termination.

**14. Other penalties** *[Regulation 12 (Professional Standards Panel and Appeals Panel: decisions) paragraph b) iii) refers]*

The Professional Standards Panel or the Appeals Panel may order that

- a) the Respondent be reprimanded or severely reprimanded;
- b) by a specified date the Respondent must return to a client all or part of a fee which the client has paid or remit to a client funds which have been retained by the Respondent in or towards payment of a fee;
- c) the Respondent pay to the Institute by a specified date a sum to compensate for all or part of the costs arising under this Complaints Procedure.

**15. Letters of advice** *[Regulation 12 (Professional Standards Panel and Appeals Panel: decisions) paragraph b) iii) refers]*

- a) The Professional Standards Panel or the Appeals Panel may order the Respondent to obtain and follow advice from specified sources if it considers that the Complaint has arisen because the Respondent's business, or the business in which the Respondent is employed, has been managed inefficiently, or through lack of education or training.
- b) Where relevant, the Professional Standards Panel or the Appeals Panel may seek the assistance of the Respondent's employer in implementing the advice.

**16. Penalties for respondents who are Lay Members with a governance function of the Institute**

- a) In the case of Lay Members with a governance function, The Professional Standards Panel or the Appeals Panel of the Appeals Panel may order that
  - i) the Respondent's governance role should be terminated;
  - ii) the Respondent be reprimanded or severely reprimanded;
  - iii) the Respondent obtain and follow advice from specified sources.

**17. Convening the Professional Standards Panel**

- a) At least six weeks' notice of the hearing will be given to the Complainant and the Respondent. The convening notice will
  - i) give the date, time and place for hearing the Complaint;
  - ii) set out details of the procedure to be followed at the hearing, including the procedures in Regulations 10-11 (Professional Standards Panel and Appeals Panel: general management of business, evidence) and Regulations 18-19 (Professional Standards Panel: management of business, order of business);

- iii) be accompanied by a copy of the written submissions supplied by the Respondent and Complainant;
  - iv) name the members of the Panel who will take part in the hearing.
- b) Within five days of the date of the convening notice the Respondent and Complainant may object in writing to any of the members, stating their grounds. If the Chairman considers that the objection is well founded, he or she shall bar the member(s) in question from hearing that Complaint. The Respondent and Complainant have the same right of objection to anyone who is subsequently appointed as an alternate, to be exercised within five days of the date of the notice of appointment, which shall be given to the Complainant and the Respondent.
- c) The Respondent and Complainant will be required within two weeks of the date of the convening notice:
  - i) to confirm in writing that they intend to be present at the hearing, or to give reasons why they should be permitted not to attend;
  - ii) to state whether they will be accompanied and/or represented at the hearing and to provide the identity, standing and address of any person who will accompany or represent them;
  - iii) to provide the names, standing and addresses of any witnesses they seek permission to call, and to deliver a signed written statement setting out the substance of each witness's evidence.
- d) The Chairman will decide as soon as practicable whether or not
  - i) to admit any or all of the witnesses proposed by the Respondent and Complainant, and the evidence of such witnesses;
  - ii) to accept applications from the Respondent and Complainant to be absent from the hearing and (if applicable) to be represented in their absence [*Regulation 18 (Professional Standards Panel: management of business) paragraph b) refers*].

#### **18. Professional Standards Panel: management of business**

- a) The Respondent and the Complainant have the right to attend the hearing in person and each may be accompanied and/or represented at the hearing by another person, who may be legally qualified or not.
- b) The Respondent and the Complainant will be expected to attend the hearing unless permitted by the Chairman to be absent in accordance with Regulation 17 (Convening the Professional Standards Panel) paragraph d) ii). The Chairman may direct one or both of the Complainant and the Respondent to attend. The hearing will be conducted in the presence of both of them, unless the Chairman decides otherwise from time to time and subject to paragraph c) of this Regulation. The Chairman may request witnesses to attend.
- c) The hearing may proceed even if the Respondent fails to attend or fails to make use of the rights of the Respondent under these Regulations in any other way, provided that the Institute has duly notified the Respondent of his or her rights and obligations as set

out in these Regulations.

- d) Subject to Regulation 17 (Convening the Professional Standards Panel) paragraph d) i), the Complainant and Respondent may call witnesses and question witnesses. The members of the Panel may also question witnesses.
- e) If the Respondent or Complainant fails to attend without permission to be absent and without good cause, his or her absence will be regarded by the Panel as evidence against him or her.
- f) The Panel will reach a decision in accordance with Regulation 12 (Professional Standards Panel and Appeals Panel: decisions).
- g) The Panel will notify the Respondent of the decision in writing and will report it to the Board not less than 20 days after that notification if
  - i) no disagreement concerning the conduct of the Complaints Procedure has been referred to the Arbiter under Regulation 2 (The Complaints Procedure: general management of business) paragraph e); or
  - ii) a disagreement concerning the conduct of the Complaints Procedure has been referred to the Arbiter under Regulation 2 (The Complaints Procedure: general management of business) paragraph e) and the Arbiter has upheld the decision of the Professional Standards Panel; and
  - iii) no appeal has been received under Regulation 20 (Appeal against a decision of the Professional Standards Panel); or
  - iii) an appeal has been received but has been ruled invalid under Regulation 20 (Appeal against a decision of the Professional Standards Panel) paragraph d).

#### **19. Professional Standards Panel: order of business**

The normal order of business, subject to the discretion of the Chairman, will be:

- a) The Chairman will ensure that everyone present is made known, and explain the procedure that the Panel will follow.
- b) The Panel will consider the Complaint and any other written submissions before it and call such witnesses as it sees fit.
- c) The Complainant will be called to speak and to present any witnesses.
- d) The Respondent will be called to respond, to question the Complainant's witnesses and to present any witnesses of his or her own.
- e) The Complainant will be invited to question the Respondent's witnesses.
- f) The Panel will consider its decision in private, then announce it in the presence of the Respondent. If any finding is against the Respondent, he or she (or his or her representative) will be invited to address the Panel in mitigation.
- g) The Panel will consider its final decision in private, then announce it in the presence of both the Complainant and the Respondent.

#### **20. Appeal against a decision of the Professional Standards Panel**

- a) Within 14 days of the date of notification of a decision by the Professional Standards Panel under Regulation 18 (Professional Standards Panel: management of business) paragraph g) or, if later, of the date of notification of a decision by the Arbiter concerning the conduct of the Professional Standards Panel under Regulation 2 (The Complaints Procedure: general management of business) paragraph e), the Respondent may state in writing to the Institute that he or she wishes to appeal against the decision. Subject to paragraphs b) – d) of this Regulation, the Complaint will be referred to the Appeals Panel and the Complainant will be informed.
- b) An appeal is not an opportunity to have the Complaint reconsidered *ab initio*. The Appeals Panel will consider an appeal solely on the grounds that
  - i) the decision was flawed, or there was some serious irregularity in the procedure by which the Professional Standards Panel reached it; or
  - ii) new evidence has arisen that materially alters the evidence previously before the Professional Standards Panel.
- c) In giving notice of his or her wish to appeal in accordance with paragraph a) of this Regulation, the Respondent must state the precise and detailed grounds on which the appeal is based.
- d) The Chairman of the Appeals Panel may rule an appeal invalid if he or she considers that
  - i) the grounds do not conform to paragraph b) and/or paragraph c) of this Regulation; or
  - ii) no arguable ground of appeal has been stated; or
  - iii) the grounds of appeal had already been addressed wholly or substantively by the Arbiter, and the Chairman upholds the Arbiter's decision.

## 21. Convening the Appeals Panel

- a) In the event of a valid appeal by a Respondent against a decision of the Professional Standards Panel in accordance with Regulation 20 (Appeal against a decision of the Professional Standards Panel), the Professional Standards Panel will submit to the Appeals Panel
  - i) a summary of the facts and matters considered by the Professional Standards Panel, a copy of its written decision in relation to them and its response to the grounds of the appeal;
  - ii) a copy of the initial written submissions made by the Complainant and the Respondent;
  - iii) any further relevant information or submissions it may have received from the Complainant or Respondent;
  - iv) the Respondent's statement of appeal and grounds of appeal.
- b) At least eight weeks' notice of the hearing of the Appeals Panel will be given to the Respondent, with a copy to the Complainant. The convening notice will
  - i) give the date, time and place for hearing the appeal;
  - ii) set out the procedure to be followed at the hearing, including the procedures in Regulations 10–11 (Professional Standards Panel and Appeals Panel: general management of business, evidence) and Regulations 22–23 (Appeals Panel: management of business, order of business);

- iii) be accompanied by a copy of all documents referred to in paragraph a) of this Regulation;
  - iv) give a date, time and place for a pre-hearing review, in the event that the Chairman decides that one is necessary;
  - v) explain the purpose and management of a pre-hearing review, as set out in Regulation 21 (Appeals Panel: pre-hearing review);
  - vi) name the members of the Panel who will take part in the hearing.
- c) Within five days of the date of the convening notice the Respondent may object in writing to any of the members, stating the grounds. If the Chairman considers that the objection is well founded, he or she shall bar the member(s) in question from hearing that appeal. The Respondent has the same right of objection to anyone who is subsequently appointed as an alternate, to be exercised within five days of the notice of appointment, which shall be given to the Complainant and the Respondent.
- d) The Respondent will be required within four weeks of the date of the convening notice
- i) to state in writing
    - a) that he or she intends to be present at the hearing, or to give reasons why he or she should be permitted not to attend;
    - b) the name, standing and address of any person who will accompany and/or represent him or her;
    - c) whether he or she wishes to seek permission to call any witness(es) in accordance with paragraph e) of this Regulation and, if so, to state the name, standing and address of the witness(es) and to deliver a signed written statement setting out the substance of each witness's evidence;
    - d) whether he or she accepts the facts as stated in the accompanying documents; and, if not, which facts are denied, and why;
    - e) whether he or she accepts the authenticity of the accompanying documents; and, if not, which documents are denied, and why;
  - ii) to submit any additional documents on which he or she intends to rely.
- e) The Respondent may apply to the Chairman to call one or more witnesses, provided that the witness(es) will adduce new evidence which materially alters the evidence submitted previously by the Respondent to the Professional Standards Panel.
- f) The Chairman will decide as soon as practicable whether or not
- i) to admit any or all of the witnesses proposed by the Respondent, and the evidence of such witnesses;
  - ii) to accept an application from the Respondent to be absent from the hearing and (if applicable) to be represented in his or her absence [*Regulation 23 (Appeals Panel: management of business) paragraph b) refers*].
- g) Any additional documents submitted by the Respondent under paragraph d) of this Regulation will be copied to the Complainant. If the Complainant chooses to submit a response, this must be received within two weeks and will be copied to the Respondent.

- h) In the light of new information or evidence provided, the Chairman may at any stage before the hearing decide in consultation with the Panel to allow the appeal without a hearing and to issue a direction to that effect.
- i) The Chairman shall have discretion to make an order that an appeal will be struck out if specified steps are not taken within a period specified in the order, in the event that the Respondent fails to comply with these Regulations or with any direction issued by the Chairman. The Chairman shall not make such an order before giving him or her reasonable opportunity to show cause why such an order should not be made.

## **22. Appeals Panel: pre-hearing review**

- a) The Chairman of the Appeals Panel may conduct a pre-hearing review to clarify the issues before the Panel and generally to ensure that the appeal is handled fairly and efficiently.
- b) The date of the pre-hearing review will be given in the convening notice for the hearing. The Chairman will give at least two working days' notice if he or she decides that it is after all not necessary [*Regulation 20 (Convening the Appeals Panel) paragraph b) iv) refers*].
- c) The Chairman may direct the Respondent to appear in person at a pre-hearing review.
- d) The pre-hearing review may consider, and the Chairman may issue subsequent directions for the purpose of securing the just, expeditious and economical hearing of the appeal relating to the following matters:
  - i) whether the hearing should be held in private or in public;
  - ii) what matters other than those before the Professional Standards Panel should be considered by the Appeals Panel;
  - iii) whether any aspects of the initial Complaint or of the grounds of appeal should be struck out;
  - iv) further evidence considered necessary;
  - v) attendance of witnesses;
  - vi) supplemental witness statements in the event of a direction for further evidence;
  - vii) which documents are admitted and whether the authenticity of any documents is challenged;
  - viii) which facts are admitted and which remain in dispute;
  - ix) the estimated duration of the hearing;
  - x) any other relevant matters.
- e) The Chairman may adjourn the pre-hearing review from time to time as he or she considers appropriate.
- f) The directions made by the Chairman resulting from the pre-hearing review will be issued to the Respondent.

## **23. Appeals Panel: management of business**

- a) Subject to Regulation 21 (Appeals Panel: pre-hearing review), the Appeals Panel will consider the Complaint only in respect of the grounds of appeal.

- b) The Respondent has the right to attend the hearing in person and may be accompanied and/or represented at the hearing by another person, who may be legally qualified or not.
- c) The Respondent will be expected to attend the hearing unless permitted by the Chairman to be absent in accordance with Regulation 21 (Convening the Appeals Panel) paragraph f) ii). The Chairman may request witnesses to attend, who may include the Complainant. The hearing will be conducted in the presence of the Respondent, unless the Chairman decides otherwise from time to time and subject to paragraph d) of this Regulation.
- d) The hearing may proceed even if the Respondent fails to attend or fails to make use of the rights of the Respondent under these Regulations in any other way, provided that the Institute has duly notified the Respondent of his or her rights and obligations as set out in these Regulations.
- e) If the Respondent fails to attend without permission to be absent and without good cause, his or her absence will be regarded by the Panel as evidence against him or her.
- f) The Panel will reach a decision in accordance with Regulation 12 (Professional Standards Panel and Appeals Panel: decisions). The decision will come into force when it has been reported to the CIPR Board.

#### **24. Appeals Panel: order of business**

The normal order of business, subject to the discretion of the Chairman, will be:

- a) The Chairman will ensure that everyone present is made known, and explain the procedure that the Panel will follow.
- b) The Panel will consider the written submissions before it and call such witnesses as it sees fit.
- c) The Respondent will be called to present his or her appeal, present any witnesses allowed by the Chairman and to question any witnesses called by the Panel.
- d) The Panel will decide in private on its decision, then announce it in the presence of the Respondent. If any finding is against the Respondent, he or she will be invited to address the Panel in mitigation.
- e) The Panel will decide in private on its final decision, then announce it in the presence of the Respondent.

## Annex B

### Proposed changes to CIPR web pages

#### 1. Amend Web page 1: [Professional Standards](#)

Amend:

Making a complaint against a member

Anyone can bring a complaint against a member under the [Code of Conduct](#). This is an outline of how we [enforce the code](#) and manage complaints.

The process for making and hearing a complaint is governed by a set of [regulations](#).

[Download a guide to our complaints process](#) (pdf).

To make a complaint against a member, or for further information or advice on the CIPR Code of Conduct and the processes that support it, please contact:

Chris Lines Chart.PR, MCIPR, Professional Practice and Ethics Consultant

[ChrisL@cipr.co.uk](mailto:ChrisL@cipr.co.uk)

0207 631 6944

To:

Complaint against a member

It is the Code, and the fact that the Institute can take steps to uphold it, that makes CIPR Members accountable for the standard of their professional and personal conduct. This accountability is an essential part of being a Chartered Institute and serving the public interest. It is a valuable asset, both to Members, and to those who hire or employ them.

Complaints are also one way for Members, Complainants and the Institute to learn and improve professional practice in the future.

Anyone can bring a complaint against a member under the [Code of Conduct](#).

Download a guide to making a complaint [Link to content in Annex C – new web page].

Download a guide for a complaint being made against a Member [Link to content in Annex D – new web page]

The procedure for making and hearing a complaint is governed by a set of [regulations](#).

To make a complaint against a member, or for further information or advice on the CIPR Code of Conduct and the processes that support it, please contact:

Chris Lines Chart.PR, MCIPR, Professional Practice and Ethics Consultant

[ChrisL@cipr.co.uk](mailto:ChrisL@cipr.co.uk)

0207 631 6944

#### 2. Delete Web page 2: [Enforcing the Code of Conduct](#)

## Annex C

### Guide to making a complaint

#### What can you complain about?

You can complain about a CIPR Member, or former Member, who has acted unprofessionally and who is in breach of the CIPR's [Code of Conduct](#).

#### Who can make a complaint?

Anyone can make a complaint about a CIPR Member.

#### How can you complain?

You can complain in writing by contacting Chris Lines Chart.PR, MCIPR, the CIPR's Professional Practice and Ethics Consultant, at [ChrisL@cipr.co.uk](mailto:ChrisL@cipr.co.uk) or 0207 631 6944.

#### Why should you complain?

The purpose of our complaints procedure is to maintain and promote professional public relations standards.

Complaints are one way for Members, Complainants and the Institute to learn and improve professional practice in the future.

#### What are the principles of the complaints procedure?

The complaints procedure is *independent* from CIPR staff, the Board and its Council. The CIPR does not make the rules and judge complaints about them at the same time.

Keeping these roles apart helps make sure complaints are handled fairly and without bias.

The complaints procedure is *confidential*. It calls on both the complainant and Member to treat the information raised in confidence.

No CIPR member of staff, nor its Board, Council or Professional Practices Committee (PPC) know the identities of the complainant or the Member involved in any case. The Professional Practice and Ethics Consultant reports to the PPC some anonymised information about 'live' complaints. The PPC can then identify, and promote, learning for professional practice.

#### What support do you get?

Making a complaint can be a courageous act especially if it's about someone senior to you or someone in a powerful position.

We recognise this and want to support you so that the procedure is fair and compassionate.

We recommend that you have a friend or colleague by your side to give you personal support.

The Professional Practice and Ethics Consultant will advise you about the Complaints Procedure, what is involved, what you have to do and how resolution can be achieved.

We will keep you informed at regular intervals through the process even if only to say that there is nothing new to report.

The procedure promotes informal resolution or conciliation if at all possible.

### **What is the Complaints Procedure?**

There are five main stages of the procedure:

#### Stage 1

After you complain, the Professional Practice and Ethics Consultant will liaise with you to understand the complaint and to determine the nature of any breach of the [Code of Conduct](#).

#### Stage 2

If a potential breach is identified, the Consultant contacts the CIPR Member and shares details of the complaint.

At this point the Professional Practice and Ethics Consultant is acting almost as a mediator and might be able to resolve the complaint informally to the satisfaction of both parties.

In some cases, an independent Arbiter can also be involved.

#### Stage 3

If an informal resolution cannot be achieved, the Professional Practice and Ethics Consultant will contact the Chair of the Professional Standards Panel (PSP).

If you and the Member agree to it, the PSP Chair will start a Conciliation procedure. This is an informal and confidential process and may involve the appointment of professional conciliators.

#### Stage 4

If your complaint is not resolved by Conciliation, it will be considered at a hearing of the Professional Standards Panel (PSP).

The Panel includes both PR practitioners and lay members. Panel members cannot be staff or current members of the CIPR Board, Council or any of its committees.

You and the Member will prepare written statements for the Panel. You will both attend the Panel hearing and can call witnesses. You can also bring a supporter or legal representative.

At the conclusion of the hearing the Panel will make a judgement.

#### Stage 5

After the judgment, either party has a right to appeal if they believe the verdict or procedure is flawed or if there is new evidence.

Members of the Appeals Panel cannot be members of the PSP. They will hold a hearing similar to the procedure followed by the PSP.

The decision of the Appeals Panel is final.

### **What sanctions can be decided?**

If the complaints procedure has been constructive and if the breach of the Code of Conduct has been limited or minor, the sanction may be a Letter of Advice pointing to training.

More serious sanctions include a reprimand or severe reprimand. The highest sanction is the termination of membership

### **How long will it take?**

The Complaints Procedure sets timescales for different stages and circumstances when these times may differ.

It is in everyone's interest to reach a resolution quickly while being fair to all parties.

### **An example of a complaint**

The Professional Practice and Ethics Consultant received a complaint about a CIPR Member working to support a planning application. The complaint alleges that the Member had breached the Code of Conduct by carrying out misleading activity with a lack of accuracy.

Initial mediation failed to reach an agreement as did Conciliation so a Professional Standards Panel hearing was held. At the hearing the complainant agreed that the CIPR Member had carried out a small level of consultation with the local community concerned.

The panel determined there had been no direct breach of the Code of Conduct so the complaint was not upheld. However, the Panel advised the member, and the consultancy concerned, to review its professional practices regarding communicating planning issues. It asked they pay special attention to stakeholder segmentation and communication, and the internal processes for tracking such activity.

### **Where can I get more information?**

This is a guide. If you make a complaint about a Member breaching the [Code of Conduct](#), you will need to read the [Regulations which set out the Complaints Procedure](#).

## Annex D

### A guide for a complaint being made against you

#### How do you feel?

Receiving a complaint can be a horrible experience. You may feel 'guilty' even if you're not. You may worry for your job, your reputation and everything which goes with it. You may be intimidated by the process you will have to follow. You may feel isolated.

These feelings are only natural. The CIPR recognises them. We intend to be compassionate and fair in the way we take you through the process.

#### Why do we have a complaints procedure?

The purpose of our complaints procedure is to maintain and promote professional public relations standards.

Complaints are one way for Members, Complainants and the Institute to learn and improve professional practice in the future.

#### How will you know about the complaint?

If you are a CIPR Member, or former Member, you will hear first from Chris Lines Chart.PR, MCIPR, the CIPR's Professional Practice and Ethics Consultant.

The Complainant will have contacted him to complain. If he identifies a potential breach of the CIPR's [Code of Conduct](#), he will contact you to share details of the complaint.

#### What are the principles of the complaints procedure?

The complaints procedure is *independent* from CIPR staff, the Board and its Council. The CIPR does not make the rules and judge complaints about them at the same time.

Keeping these roles apart helps make sure complaints are handled fairly and without bias.

The complaints procedure is *confidential*. It calls on both the complainant and Member to treat the information raised in confidence.

No CIPR member of staff, nor its Board, Council or Professional Practices Committee (PPC) know the identities of the complainant or the Member involved in any case. The Professional Practice and Ethics Consultant reports to the PPC some anonymised information about 'live' complaints. The PPC can then identify, and promote, learning for professional practice.

#### What support do you get?

We want to support you so that your experience of the procedure is fair and compassionate.

We recommend that you have a friend or colleague by your side to give you personal support.

Explain your situation to them in confidence and allow them to see all the documentation.

The Professional Practice and Ethics Consultant will advise you about the Complaints Procedure, what is involved, what you have to do and how resolution can be achieved.

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The procedure promotes informal resolution or conciliation if at all possible.

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Last reviewed March 2026